

Remarks/Arguments:

Claims 1-26 are pending in the subject application, as claims 24-26 have been added herein. In an Office Action dated December 30, 2003, the Examiner has objected to the specification as lacking an abstract, and to informalities at pages 6 and 7. The Examiner has objected to claims 7, 8, 15 and 16 as being in improper form, and indicated those claims were not evaluated on their merits. The Examiner has further made the following rejections under 35 U.S.C. § 103(a): claims 1-3, 10-11, 14 and 17-19 were anticipated by U.S. Patent No. 6,223,031 B1 to Näslund (hereinafter, Näslund) in view of U.S. Patent No. 6,044,272 to Kobylinski et al. (hereinafter, Kobylinski); claims 4-6 and 23 were anticipated by the combination of Näslund and Kobylinski with U.S. Patent No. 5,722,073 to Wallstedt et al. (hereinafter, Wallstedt); and claims 7-9 and 15-16 were anticipated by the combination of Näslund, Kobylinski and Wallstedt with U.S. Patent No. 5,267,261 to Blakeney, II et al. (hereinafter, Blakeney); The Examiner has ruled that claims 12-13 and 20 would be allowable if rewritten so as not to depend from a rejected base claim (including all interceding limitations). The below remarks address each of the Examiner's comments in the order above.

1. The written description is herein amended to add an abstract, support for which may be found at page 4, line 33 to page 5, line 10. The noted informalities are also corrected herein.

2. The Applicant respectfully notes that a preliminary amendment was filed on August 15, 2000, that amended claims 4, 7-8 and 14-15 and thereby eliminated the multiple dependencies in claims 7-8 and 14-15. Withdrawal of the objections to those claims and examination of them on the merits is requested. Claim 7 is amended herein to change dependency. Claim 8 is amended herein for grammatical correctness. Neither are narrowing amendments: the change to claim 7 is a return to the dependency from claim 4 as claim 7 was originally presented in the absence of the noted preliminary amendment. Further, neither claims 7 nor 8 have been examined on the merits, so changes to those claims are not done for reasons related to patentability.

3. All claim rejections for obviousness are addressed en masse, as they all rely on the combination of Näslund with Kobylinski. Claims 1 and 22 are the independent claims under rejection, and each recite A) first and second sets of trigger conditions; and B) a logical function to combine those sets of trigger conditions. It is noted that claim 1 further recites that a measurement report is sent in dependence upon the condition of the logical function. Because the logical function is a combination of the trigger conditions, claim 1 distinguishes between the measurement report and the sets of trigger conditions upon which sending of the measurement report depends. That is, the sets of trigger conditions are not the measurements themselves, but rather are used to determine whether or not to send the measurement report. That distinction is inherent in claim 22 by its terminology: trigger *conditions* are not analogous to measurements or the measurement report.

As to part A) above, the written description at page 4, lines 33-34, recites that a threshold value is an example of a trigger condition. The Examiner asserts that Näslund teaches first and second sets of trigger conditions in its disclosure concerning quality parameters and frequency pairs. Näslund describes at col. 8, lines 51-53 that the quality parameter in general indicates the quality of the channel with regard to interference, for example. Näslund's teachings are directed to the measurements themselves, not to trigger conditions upon which the sending of a measurement report depends. Specific Näslund examples of quality parameter include signal strength, bit error ratio, C/I value (col. 8, lines 60-63), or an average value of any of those individual parameters over several channels (col. 9, lines 9-15). While the quality parameter may be corrected (col. 9, lines 42-46) or weighted (col. 10, lines 29-34), the Näslund quality parameter remains a measurement. Näslund is seen to teach only the measurements themselves, not sets of trigger conditions on which sending of the measurements depends.

As further evidence of the distinction, the written description of the application recites at page 7, lines 7-8, that a BER can be used *as a measure*. Subsequently at page 7, lines 22-24, it recites that "Having performed the measurements for this base station signal, the MS checks whether a MEHO (Mobile Evaluated HandOver) report is to be transmitted according to the HO algorithm described in the following.", and at lines 29-30 "The HO algorithm is used to trigger the transmission of the MEHO measurement report." One of the Näslund examples for a quality parameter is BER (col. 8, lines 60-63). While both the

present written description and Näslund use BER as an example of a measure, neither use it (the measure of BER) as a trigger *condition*. Where, for example, the measured BER is the measurement report and the HO algorithm determines a trigger condition, Näslund is not seen to teach or suggest a trigger condition upon which transmitting the measurement depends, but only the BER measurement itself. That measured BER of Näslund cannot be interpreted as both the measurement report and the trigger condition: to do so would compare the measured BER to itself and transmit the measured BER based on the comparison. Since this would result in the 'trigger condition' being met and the measured BER being consequently transmitted in every instance, such an interpretation reads the "trigger condition" language out of the claims.

As to part B) above, the logical function specifies how the sets of trigger conditions are to be combined. As detailed in the written description (at page 4, line 35 to page 5, line 5; at page 8, lines 20-21; and at the table at page 10, line 15), the measurement report may be sent, for example, when both the uplink and downlink trigger conditions are met, when either of them is met, or based entirely on the uplink or downlink conditions. Näslund teaches, in contrast, merely sorting the sum of frequency pairs. This sorting and summing is not related to whether or not the measurement report is sent as in claims 1 and 22; it appears merely an efficient way to sort and store the measurements for further processing (e.g., for selecting a new BCCH –carrier). See Näslund, col. 10, lines 38-44 and 55-65; and col. 12, lines 49-63. The Examiner cites to Figure 6 of Näslund, but the text describes at col. 12, lines 14-18 that Figure 6 is for adaptive frequency or channel selection. Figure 6 and its associated text is not seen to teach or suggest sets of trigger conditions that are logically combined as in claims 1 and 22, from which sending the measurement report depends (claim 1) or sending means that is responsive to combining means (that combines states) for sending a measurement report (claim 22).

Kobylinski is not seen to teach or suggest sets of trigger conditions or their logical combinations, but rather the prior art approach of a mobile station making various channel measurements and reporting same to a base station. Kobylinski is not seen to teach or suggest sending or not sending a measurement report depending on a logical combination of trigger conditions. Neither Wallstedt nor Blakeney are seen to teach either of those aspects of the main claims, which the Applicant asserts are novel over any combination of

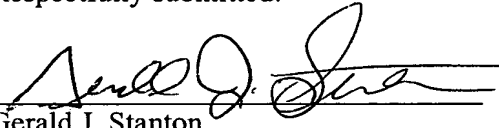
the cited references. The Applicant therefore requests the Examiner re-consider the outstanding rejections and withdraw all obviousness rejections in light of the above.

4. Claims 12-13 and 20 remain unchanged by this Application in light of the above distinctions over the cited art.

5. New claims 24-26 are directed to a base station, and find support at least in claims 1-23 and in the written description at page 5, lines 24-26; page 7, lines 32-33; and page 11, lines 33-34.

Applicant respectfully requests that the Examiner withdraw all rejections and pass claims 1-26 to issuance without further delay. The undersigned representative welcomes the opportunity to resolve any remaining issue via teleconference at the Examiner's discretion, as the Examiner deems appropriate.

Respectfully submitted:


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Measurement Reporting in a Telecommunication System

ABSTRACT:

The present invention relates to defining triggers or threshold values for radio signal parameters that are used for determining whether or not to send a measurement report separately for the uplink and downlink direction. The triggers for the uplink and downlink are logically combined so that a measurement report may be sent when measurements in both the uplink and downlink satisfy the triggers, when either measurement does, or when only one of the uplink or downlink measurement does. Preferably, the measurement report is a mobile evaluated handover measurement report triggering a handover. It is preferably triggered in the mobile station when at least one upper threshold of the radio signal parameters for a mobile evaluated handover is exceeded or a lower threshold is gone under.